IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4324 of 2006

Dated: March 24, 2006

Between:

Mohd. Hussain,

S/o. Hafeez Hussain, aged about 55 years,

Occ: Depot Manager, E.No.49692,

R/o. Badvel, Kadapa District.

… Petitioner

And

Andhra Pradesh State Road Transport

Corporation, represented by its Managing

Director, Musheerabad, Hyderabad – 20, and

Another.

… Respondents

Order:

The petitioner, who worked as a Depot Manager in the respondent-Corporation, has filed this Writ Petition questioning the order dated 27-02-2006, passed by the second respondent, the Executive Director, who is the disciplinary authority, reverting him from the post of Depot Manager to that of Assistant Engineer (Mechanical) as a measure of punishment, in the disciplinary proceedings initiated against him.

2. The petitioner, who worked in various capacities in the respondent Corporation, on being promoted as Depot Manager, was posted to work at Jagtial and was later transferred to Badvel. It is the case of the petitioner that one Mr. P.C. Sekhar, a Depot Secretary, gave a complaint to the Police against him and on the basis of the said complaint, the respondents issued charge sheet dated 20-06-2005 and two revised charge sheets, to which the petitioner claims to have submitted his explanation. After completion of enquiry, the second respondent passed the impugned order dated 27-02-2006 ordering reversion of the petitioner to the post of Assistant Engineer (Mechanical) from that of post of Depot Manager.

3. At the stage of admission, this Court by order dated 06-03-2006, granted interim stay of operation of the impugned order and further extended it for a period of two more weeks.

4. It is stated that as against the impugned order of reversion, the petitioner has preferred an appeal to the Vice Chairman and Managing Director on 06-03-2006 as per the service regulations and the same is pending before the said authority.

5. It is not in dispute that as against the order dated 27-02-2006, there is a remedy of appeal to the petitioner before the appellate authority and the same has also been indicated in the operative portion of the impugned order passed by the disciplinary authority. In view of the availability of appeal, there is no special reason to entertain this Writ Petition, bypassing the remedy of appeal.

6. In view of the fact that an appeal lies against the impugned order to the Vice

Chairman and Managing Director of the respondent-Corporation, I dispose of the Writ Petition directing the first respondent/appellate authority to consider the said appeal filed by the petitioner and pass appropriate orders, expeditiously, preferably, within two (2) months from the date of receipt of a copy of this order. The impugned order of reversion of the petitioner shall remain suspended pending disposal of the appeal by the appellate authority.

7. The Writ Petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 24, 2006

MRR